Supreme Court, U.S.
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(6)

No. 00-1210

IN THE
Supreme Court of the United States

MAJOR LEAGUE BASEBALL PLAYERS ASSOCIATION,
Petitioner,

v.

STEVE GARVEY,
Respondent.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit

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RESPONDENT'S OPPOSITION TO THE NATIONAL ACADEMY OF ARBITRATORS' MOTION FOR LEAVE TO FILE AN *AMICUS CURIAE* BRIEF

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March 9, 2001

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Pursuant to Supreme Court Rule 37.5, Respondent Steve Garvey respectfully objects to the motion of the National Academy of Arbitrators ("NAA") for leave to file an *amicus curiae* brief in support of the Petitioner, Major League Baseball Players Association.

Respondent withheld his consent to the filing of NAA's *amicus* brief because Respondent believed that the brief would (i) only be a restatement and re-argument of the same issues and positions already thoroughly addressed by the Petitioner; (ii) fail to bring to the Court's attention any relevant matter not already brought to the Court's attention by the parties involved; and, (iii) be a disfavored burden to this Court pursuant to Rule 37.

A simple reading of the NAA's submitted *amicus* brief supports the reasons for Respondent withholding his consent and confirms that the brief is simply a restatement by an outside party of the same issues and arguments already put forth by the Petitioner. The NAA also acknowledges that "this Court does not sit just to correct errors." and that "this case has some unique characteristics . . . ." Indeed, the uniqueness of this case supports Respondent's contention that the Ninth Circuit's December 2000 decision is of little import beyond the parties involved and as such does not rise to a level to warrant certiorari.

Supreme Court Rule 37.1 specifically states that this Court does not need another restatement of the Petitioner's arguments on issues already addressed thoroughly by the parties involved. An outside party's restatement of one party's

position is only a disfavored burden to this Court and therefore should not be considered.

Respondent respectfully requests that this Court deny NAA's motion for leave to file an *amicus curiae* brief pursuant to Rule 37.

Respectfully submitted,

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